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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,377	03/28/2000	Douglas Clark	M3653.0001/P001-C	4895

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EXAMINER
THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/536,377	CLARK, DOUGLAS
	Examiner	Art Unit
	Forest Thompson Jr.	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 November 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,6-8 and 10-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,6-8 and 10-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 March 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action (see Paper No. 5), or will be included here for clarity, as necessary. The text of those sections of Title 35, U.S. Code not otherwise provided in a prior Office action will be included in this action where appropriate.

2. This action is responsive to the amendment A filed 11/27/2002 that amended claims 1, 6-8, and 10, deleted claims 2-5 and 9, and added new claims 11-33. Claims 1, 6-8, and 10-33 are pending.

3. Claims 1, 6-8, and 10-33 have been examined.

Drawings

4. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed. The drawings include poor copies of original drawings and/or handwritten notations.

5. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after

the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Claim Rejections - 35 USC § 103

6. Claims 1, 6-8, 10-11, and 16-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over William R. Duncan, "A Guide to the Project Management Body of Knowledge," Project management Institute, 1996 (hereafter referred to as Duncan), and further in view of Levinson (U.S. Patent No. 6,047,260).

Claims 1, 10: Duncan discloses:

- breaking a current project into a plurality of tasks, wherein the status of said project is tracked on the basis of at least one task related event for each of said plurality of tasks (pg. 30-32, para. 3.3.2; pg. 59, para. 6.1);
- setting a tasking horizon based on a predetermined time interval (pg. 30-32, para. 3.3.2; pg. 170), described in the context of target finish date determination and schedule development;
- associating at least two verbs with said at least one task related event for each of said plurality of tasks (pg. 46, para. 4.3.3.3), where verbs and language are encompassed by lessons learned;
- receiving a respective predicted date for at least one task related event (pg. 31; fig. 3-5 [6.3]), which is disclosed in activity duration estimating;

- receiving a corresponding actual date for each task related event for which a predicted date was received (pg. 31; fig. 3-5 [6.4]; pg. 159), which is disclosed as schedule development, activity definition and actual start date;

- for each actual date received, receiving a verb associated with the respective task related event, said received verb being one of said at least two verbs (pg. 31; fig. 3-5 [6.4]; pg. 159), which is disclosed as schedule development, activity definition and actual start date;

capturing at least the predicted dates, actual dates and verbs received for each of said task related events and updating the project status based on the captured information, to thereby provide accurate and real time data regarding said current project and said plurality of tasks of said project (pg. 31; fig. 3-5 [6.3, 6.4]; pg. 159);

- at least one task assignment station (pg. 96; fig. 9-2);

- said management module and said task assignment station are operationally connected (pg. 8-9-10, para. 1.4-5; fig. 1-2); and

- said management module receives predicted dates and actual dates entered at said task assignment station (pg. 31; fig. 3-5 [6.3]; pg. 31; fig. 3-5 [6.4]; pg. 159).

Duncan does not specifically disclose automatically updating the project status based on the captured information. However, Levinson discloses automatically updating a schedule of tasks as changes occur in the plan due to various reasons (col. 4 lines 32-41). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Duncan to specifically disclose

automatically updating the project status based on the captured information, as disclosed by Levinson, for the motivation of monitoring and managing a project.

Claim 6. Duncan discloses computing a risk factor for at least one of said plurality of tasks based on data of at least one of said computed churn and said received verb, said data corresponding respectively to said at least one of said plurality of tasks (pg. 115-118, para. 11.2; fig. 11-1; fig. 11-2).

Claim 7. Duncan discloses:

- comparing said plurality of tasks of said current project to a plurality of tasks of at least one past project (pg. 46; para. 4.3.3.3; fig. 6-1; para. 6.1.1.3; pg. 113 para. 11.1.1.3);
- extracting previously performed task completion data for said plurality of tasks for said at least one past project (pg. 46; para. 4.3.3.3; fig. 6-1; para. 6.1.1.3; pg. 113 para. 11.1.1.3); and
- computing an expected task completion time for at least one of said plurality of tasks of said current project based at least in part on said previously performed task completion data (pg. 46; para. 4.3.3.3; fig. 6-1; para. 6.1.1.3; 6.1.3; pg. 113 para. 11.1.1.1-3).

Claim 8. Duncan discloses:

- comparing said plurality of tasks of said current project to a plurality of tasks of at least one past project (pg. 46; para. 4.3.3.3; fig. 6-1; para. 6.1.1.3; pg. 113 para. 11.1.1.3);
- extracting at least one risk factor associated with said plurality of tasks of said at least one past project (pg. 46; para. 4.3.3.3; fig. 6-1; para. 6.1.1.3; pg. 113 para. 11.1.1.3); and
- computing a risk factor for at least one of said plurality of tasks for said current project based at least in part on said extracted at least one risk factor (fig. 11-1 [11.1.3; 11.2.2-3; 11.3.3; 11.1-3); as encompassed by the identification and quantification of risk.

Claim 11. Duncan does not specifically disclose computing churn for each task related event for which a predicted date and an actual date was received, based on differences between corresponding ones of said received predicted and actual dates relative to said tasking horizon. However, Duncan does disclose the functionality for computing churn for said tasks (pg. 107-108, para. 10.3; pg. 109 fig. 10-2; pg. 110 fig. 10-3; pg. 113, para. 11.1.1). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Duncan to specifically compute churn each task related event for which a predicted date and an actual date was received, based on differences between corresponding ones of said received predicted and actual dates relative to said tasking horizon, because Duncan does disclose the necessary

functionality for these computations and these specific features may enhance the desirability of the invention to potential users.

Claim 16. Duncan does not specifically disclose information relating to the performance of said plurality of tasks is captured from at least one of electronic mail, documents, spreadsheets, and over the Internet. However, Levinson discloses information relating to the performance of said plurality of tasks is captured from at least one of electronic mail, documents, spreadsheets, and over the internet (col. 7 lines 17-43). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the invention of Duncan to specifically disclose information relating to the performance of said plurality of tasks is captured from at least one of electronic mail, documents, spreadsheets, and over the Internet, as disclosed by Levinson, for the motivation of monitoring and managing a project.

Claims 17, 20, 24, 29, 30: Duncan discloses:

- capturing information relating to the performance of a plurality of tasks within a project (pg. 103 1st paragraph; pg. 106 para. 10.1.3.1);
- processing the captured information to generate a current task table (pg. 109 para. 10.3.3.1);
- accessing a look-up table containing historical data (pg. 109 para. 10.3.3.1-2); and

- comparing said information in said current task table with said historical data in said look-up table to determine whether said information of said current task table is associated with a pre-existing project or a task within said pre-existing project (pg. 50 para. 5.1.1.4 - 5.1.2.1).

Duncan does not specifically disclose, upon determining that said information in said current task table is associated with one of a pre-existing project or a task within a pre-existing project, automatically updating said pre-existing project or said task within said pre-existing project. However, Levinson discloses automatically updating a schedule of tasks as changes occur in the plan due to various reasons (col. 4 lines 32-41). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Duncan to automatically update said pre-existing project or said task within said pre-existing project, as disclosed by Levinson, for the motivation of monitoring and managing a project.

Claim 18. Duncan does not specifically disclose the automatic project updating module includes a task data processing system and at least one medium for providing data to said task data processing system. However, Levinson does disclose a calendaring system that provides a task data processing system and at least one medium for providing data (col. 6 lines 18-35), through the functionality of entering a script into the system of Levinson. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Duncan to specifically disclose a task data processing system and at least one medium for

providing data to said task data processing system, as disclosed by Levinson, for the motivation of monitoring and managing a project.

Claim 19. Duncan discloses databases that store historical data for a current project and other projects of the performing organization (pg. 58 para. 5.5.3.3). Duncan does not specifically disclose said task data processing system includes a processor database system for processing captured information and generating a current task table, and a look-up table containing historical information relevant to all project and task data within said data processing system. Duncan does disclose the availability of historical data to provide the causes of variances, the reasoning behind the corrective action chosen, and other types of lessons learned from scope change control that should be documented so that this information becomes part of the historical database for both this project and other projects of the performing organization (pg. 58 para. 5.5.3.3); and the causes of variances, the reasoning behind the corrective action chosen, and other types of lessons learned from schedule control should be documented so that they become part of the historical database for both this project and other projects of the performing organization (pg. 72 para. 6.5.3.3). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Duncan to specifically disclose said task data processing system includes a processor database system for processing captured information and generating a current task table, and a look-up table containing historical information

relevant to all project and task data within said data processing system, as disclosed by the functionality of Duncan, for the motivation of monitoring and managing a project.

Claim 21. Claim 21 is written as an apparatus and contains the same limitations as claim 13; therefore, the same rejection is applied.

Claim 22. Claim 22 is written as an apparatus and contains the same limitations as claim 14; therefore, the same rejection is applied.

Claim 23. Claim 23 is written as an apparatus and contains the same limitations as claim 15; therefore, the same rejection is applied.

Claim 25. Claim 25 is written as a method and contains the same limitations as claim 12; therefore, the same rejection is applied.

Claim 26. Claim 26 is written as a method and contains the same limitations as claim 13; therefore, the same rejection is applied.

Claim 27. Claim 27 is written as a method and contains the same limitations as claim 14; therefore, the same rejection is applied.

Claim 28. Claim 28 is written as a method and contains the same limitations as claim 15; therefore, the same rejection is applied.

Claim 31. Claim 31 is written as an automatic project updating module and contains the same limitations as claim 13; therefore, the same rejection is applied.

Claim 32. Claim 32 is written as an automatic project updating module and contains the same limitations as claim 14; therefore, the same rejection is applied.

Claim 33. Claim 33 is written as an automatic project updating module and contains the same limitations as claim 15; therefore, the same rejection is applied.

7. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over William R. Duncan, "A Guide to the Project Management Body of Knowledge," Project management Institute, 1996 (hereafter referred to as Duncan), and further in view of Levinson (U.S. Patent No. 6,047,260) and Official Notice.

Claim 12. Neither Duncan not Levinson specifically disclose information relating to the performance of said plurality of tasks can be captured automatically upon use of an electronic communication device. However, Official Notice is taken that capturing and storing information based on use of a communications device was old and well known in the art at the time the invention was made. One example is the downloading and storing of information at a computer that was presented by a service provider connected to the Internet. Levinson discloses receiving information over the Internet (col. 7 lines 17-23). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosures of Duncan and Levinson to automatically capture and store information based upon use of a communications device, as disclosed by old and well known art, for the motivation of monitoring and managing a project.

Claim 13. Duncan does not explicitly disclose said information relating to the performance of said plurality of tasks is provided via a device selected from the group consisting of a computer, a telephone, a facsimile machine, a copier machine, a laptop computer, a personal digital assistant, a cellular telephone, and a wireless telephone. However, Levinson discloses said information relating to the performance of said plurality of tasks is provided via a computer (col. 7 lines 17-43). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Duncan to specifically provide via a computer said information relating to the performance of said plurality of tasks, as disclosed by Levinson, for the motivation of monitoring and managing a project.

Claim 14. Neither Duncan nor Levinson specifically disclose identifying a user upon the use of a specific device to provide information relating to the performance of said plurality of tasks. However, Official Notice is taken that organizations that provide computer access to their subscribers, users or employees typically provide means for users to identify themselves to the system as authorized users. Organizations typically require identification for one or more reasons that may encompass network/information security and equipment usage monitoring/regulation. One means used for this requirement is the use of authorized usernames and passwords for users at their assigned workstations. Therefore, it would have been obvious to one skilled in the use of the art at the time the invention was made to modify the disclosures of Duncan and

Levinson to specifically require users to identify themselves, as disclosed by old and well known art, for the motivation of monitoring and managing a project.

Claim 15. Duncan does not specifically disclose microanalyzing at least one of an individual's effort, cost data, churn, work performance, task performance, contributions to said project, and contributions to a company based on said captured information, the identification of the user, and the specific device used to provide said information. However, Levinson discloses analyzing at least one of an individual's effort, cost data, churn, work performance, task performance, contributions to said project, and contributions to a company based on said captured information, the identification of the user (Abstract). Levinson does not specifically disclose microanalyzing based on the specific device used to provide said information. However, Official Notice is taken that users or employees of business assets (e.g., computer, workstation, telephone) typically have the business assets assigned to them by the business, and that business security practices require employees or users to use their assigned business assets. Organizations typically require user identification in the use of business assets that may encompass network/information security and equipment usage. One means used for this requirement is the use of authorized usernames and passwords for users at their assigned workstations. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the invention of Duncan and Levinson to specifically disclose microanalyzing based on the specific device (such as a

workstation) used to provide said information, as disclosed by old and well known art, for the motivation of monitoring and managing a project.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 6-8, and 10-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

F. Thompson
February 12, 2003

Jeffrey A. Smith
Primary Examiner

Claim Tree

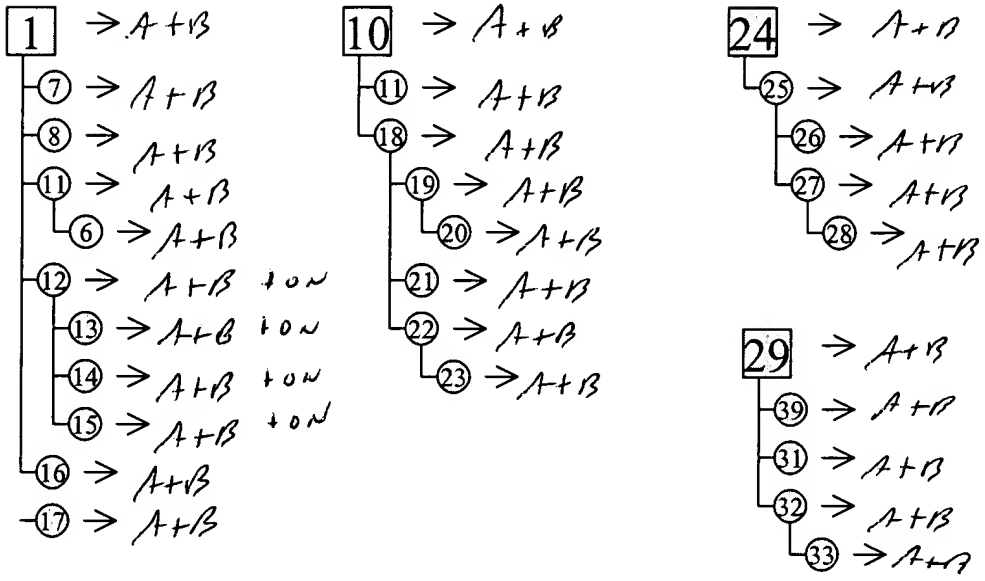
References:

A -Duncan

B –6,047,260

C-

ON - Official Notice



>>Independent Claims